

REMARKS

I. Amendment to the claims

Solely to expedite prosecution of the present application, Claims 1-3 and 6-14 have been cancelled without waiver or prejudice of Applicants' right to pursue the cancelled subject matter in a continuation or divisional application. Claim 4 has been rewritten as an independent claim and amended to correct an error in antecedent basis. Support for the amendment to the claim can be found in the claims as originally filed. No new matter has been added by the present amendment to the claims. Upon entry of the present amendment, claims 4 and 5 will be pending.

II. Claim Objections

The objections to claims 1 and 8 have been rendered moot by their present cancellation. Applicants respectfully request the objections be withdrawn.

III. Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 and 8 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. This rejection has been rendered moot by the present cancellation of claims 1 and 8. Applicants respectfully request this rejection be withdrawn.

IV. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1 and 4-7 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which

applicant regards as the invention; specifically, it is unclear as to which solid support and linker is required as they are not identified in the instant claims. This rejection has been obviated in part by the cancellation of claims 1 and 6-7. The rejection with respect to claims 4 and 5 is respectfully traversed. The “solid support” and “linker” set forth in the claims are defined terms set forth on page 6, ln. 1 through page 7, ln. 6 of the Specification. As such, one of skill in the art would understand the metes and bounds of the two terms. Consequently, claims 4-5 are not indefinite. Applicants respectfully request this rejection be withdrawn.

Claim 4 stands further rejected under 35 U.S.C. 112, second paragraph because the recited phrase “the resultant compound” has insufficient antecedent basis. This rejection has been rendered moot by the amendment of claim 4 to replace the phrase “resultant compound” with --labelled tracer-- for which antecedent basis can be found in claim. Applicants respectfully request this rejection be withdrawn.

V. Rejection under 35 U.S.C. § 103

Claims 1 and 6-8 stand rejected under 35 U.S.C. 103 as being unpatentable over Hunter et al (WO02/070020)(“Hunter”) in view of Stevens et al. (WO01/14354)(“Stevens”) and Scheler (US 4,540,648)(“Scheler”) and further in view of Shuttleworth et al. (Synthesis 1997, 1217-1239)(“Shuttleworth”). This rejection has been rendered moot by the cancellation of claim 1 and 6-8. Applicants respectfully request this rejection be withdrawn.

VI. Conclusion

In view of the remarks herein, Applicants believe that each ground for rejection or objection made in the instant application has now been successfully overcome or obviated, and that all the pending claims are now in condition for allowance. Withdrawal of the Examiner's rejections and objections, and allowance of the current application are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

The Director is hereby authorized to charge any fees due in connection with this Amendment against Deposit account number 502-665.

Respectfully submitted,

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